

Appl. No. : 09/652,995  
Filed : August 31, 2000

### **REMARKS**

The foregoing amendments and the following remarks are responsive to the March 26, 2004 Office Action. Claims 2, 5, 6, 8, 10, 11, 13, 15, and 16 remain as originally filed, and Claims 1, 3, 4, 7, 9, 12, and 14 are amended. Thus, Claims 1-16 are presented for further consideration. Please enter the amendments and reconsider the claims in view of the following remarks.

#### **Comments on Personal Interview Conducted on May 10, 2004**

Applicant thanks the Examiner for extending the courtesy of a Personal Interview with the Examiner and Examiner Vincent Boccio to Applicant's representatives, Bruce S. Itchkawitz and Jerry T. Sewell on May 10, 2004. The amendments and remarks herein are in accordance with the discussion during the Personal Interview.

#### **Response to Rejection of Claims 1-11 Under 35 U.S.C. § 102(e)**

In the March 26, 2004 Office Action, the Examiner rejects Claims 1-11 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,690,882 to Hanmann et al. ("Hanmann").

As described herein, Applicant has amended Claims 1, 3, 4, 7, and 9 to more clearly recite what Applicant views as the claimed invention. Applicant submits that Hanmann does not disclose all the limitations of amended Claim 1. In particular, with regard to amended Claim 1, Hanmann does not disclose (emphasis added):

    sending a sequence of data transfer commands ... to transfer a respective sequence of time-critical, non-redundantly-recorded, error-tolerant streaming data segments at a required data transfer rate;

    selectively interposing a first data transfer command ... initiating a first transfer of the non-time-critical, error-intolerant data segment from a first storage location; ... and

    selectively interposing a second data transfer command ... initiating a second transfer of the non-time-critical, error-intolerant data segment from a second storage location, thereby utilizing storage redundancy ... while maintaining the required data transfer rate of the sequence of time-critical, non-redundantly-recorded, error-tolerant streaming data segments.

Therefore, amended Claim 1 is patentably distinguished over Hanmann. Each of Claims 2-6 depends from amended Claim 1, as well as including other limitations of particular utility. Therefore, Claims 2-6 are also patentably distinguished over Hanmann. Applicant respectfully requests that the Examiner withdraw the rejection to Claims 1-6 and pass these claims to allowance.

**Appl. No.** : 09/652,995  
**Filed** : August 31, 2000

Similarly, amended Claim 7 includes limitations not disclosed by Hanmann, so amended Claim 7 is patentably distinguished over Hanmann. Each of Claims 8 and 9 depend from amended Claim 7, and each of Claims 10 and 11 depend from Claim 9. Therefore, Claims 7-11 are also patentably distinguished over Hanmann. Applicant respectfully requests that the Examiner withdraw the rejection to Claims 7-11 and pass these claims to allowance.

**Response to Rejection of Claims 12 and 13 Under 35 U.S.C. § 103(a)**

In the March 26, 2004 Office Action, the Examiner rejects Claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Hanmann in view of U.S. Patent No. 6,105,107 to Ho et al. ("Ho").

As described herein, Applicant has amended Claim 12 to more clearly recite what Applicant views as the claimed invention. As discussed above in relation to amended Claim 1, Applicant submits that Hanmann does not disclose all the limitations of amended Claim 12. Applicant further submits that Ho does not disclose the limitations of amended Claim 12 which are not disclosed by Hanmann. Therefore, Applicant submits that amended Claim 12 is patentably distinguished over Hanmann in view of Ho.

Claim 13 depends from amended Claim 12, and includes further limitations of particular utility. Therefore, Claim 13 is also patentably distinguished over Hanmann in view of Ho.

For the foregoing reasons, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 12 and 13 and pass these claims to allowance.

**Response to Rejection of Claims 14-16 Under 35 U.S.C. § 103(a)**

In the March 26, 2004 Office Action, the Examiner rejects Claims 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Hanmann in view of U.S. Patent No. 5,809,209 to Hoshi et al. ("Hoshi"). As described herein, Applicant has amended Claim 14 to more clearly recite what Applicant views as the claimed invention. As discussed above in relation to amended Claim 1, Applicant submits that Hanmann does not disclose all the limitations of amended Claim 14. Applicant further submits that Hoshi does not disclose the limitations of amended Claim 14 which are not disclosed by Hanmann. Therefore, Applicant submits that amended Claim 14 is patentably distinguished over Hanmann in view of Hoshi.

Each of Claims 15 and 16 depends from amended Claim 14, and includes further limitations of particular utility. Therefore, each of Claims 15 and 16 is also patentably distinguished over Hanmann in view of Hoshi.

Appl. No. : 09/652,995  
Filed : August 31, 2000

For the foregoing reasons, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 14-16 and pass these claims to allowance.

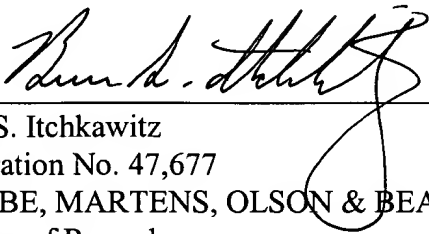
**Summary**

For the foregoing reasons, Applicant submits that Claims 1-16 are in condition for allowance, and Applicant respectfully requests such action.

Respectfully submitted,

Dated: 9/23/04

By: \_\_\_\_\_

  
Bruce S. Itchkawitz  
Registration No. 47,677  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Attorney of Record  
2040 Main Street  
Fourteenth Floor  
Irvine, CA 92614  
(949) 760-0404

H:\DOCS\BS\BSI-5872.DOC  
092304